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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re

DOUBLE JUMP, INC.

Debtor.

Lead Case No.: BK-19-50102-gs
(Chapter 7)

Substantively Consolidated with:

19-50130-gs	DC Solar Solutions, Inc.
19-50131-gs	DC Solar Distribution, Inc.
19-50135-gs	DC Solar Freedom, Inc.

☒ Affects DC Solar Solutions, Inc.
☒ Affects DC Solar Distribution, Inc.
☒ Affects DC Solar Freedom, Inc.
☒ Affects Double Jump, Inc.

**EX PARTE MOTION TO CONTINUE
STATUS CONFERENCE**

Hearing Date: N/A
Hearing Time: N/A

Christina Lovato, the trustee (“*Trustee*”) for the chapter 7 estates of DC Solar Solutions, Inc., DC Solar Distribution, Inc., DC Solar Freedom, Inc., and Double Jump, Inc. (together, “*DC Solar*” or the “*Debtors*”) files her *ex parte* motion to continue the February 18, 2022 status conference set in the above captioned Main Bankruptcy Case and in the Pending APs (defined below) to March 31, 2022, or as otherwise convenient to the Court.

1 The Motion is based upon the Memorandum of Points and Authorities below, and other
2 items which the Court may consider including those matters referenced below, and those
3 admissible under F.R.E. 201.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I. Requested Relief**

6 1. On November 15, 2021, this Court held a status conference in the Main Bankruptcy
7 Case and the pending adversary proceedings initiated by the Trustee (“*Pending APs*”).¹

8 2. At the November 15th status conference, the Court announced it would set a further
9 status conference for February 18, 2022 (“*Status Conference*”) (*see also* ECF No. 3003).

10 3. The Trustee respectfully requests that the Court continue the Status Conference to
11 March 31, 2022, or as otherwise convenient for the Court.

12 **II. General Background**

13 4. On December 18, 2018, law enforcement executed a raid on the Debtors’ offices
14 and other locations.²

15 5. Since then, some of the Debtors’ former insiders have pled guilty to crimes, with
16 their plea agreements describing their pre-petition wrongdoing; moreover, federal law enforcement
17 has filed a declaration in this Bankruptcy Case.³ These court papers generally describe the Debtors’
18 pre-petition business operations as well as a massive and complex Ponzi scheme perpetrated by
19 Jeff Carpoﬀ and others (“*Carpoﬀ Ponzi Scheme*”) through the Debtors and other entities.

20 6. According to federal law enforcement, the Carpoﬀ Ponzi Scheme began by no later
21 than 2011 and involved the movement of many hundreds of millions of dollars.⁴ The U.S.A.’s
22 criminal investigation is ongoing.

23 7. In late January and early February 2019, the Debtors filed for chapter 11 relief
24 before this Court, commencing these bankruptcy cases.

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¹ ECF No. 2843 & 2941.

27 ² ECF No. 2613 at ¶ 16.

28 ³ *See e.g., U.S.A. v. Jeff Carpoﬀ*, Case No. 20-00017-JAM (E.D. Ca.) [ECF No. 10]; *see also* Declaration of Special Agent Christopher Phillips [Main Case, ECF No. 106-2].

⁴ *See, e.g.,* ECF No. 2613.

1 8. On March 22, 2019, this Court converted the Bankruptcy Cases to cases under
2 chapter 7 and appointed the Trustee as chapter 7 trustee of the Debtors' estates.⁵ The Debtors'
3 estates have been substantively consolidated.⁶

4 **III. The Trustee's Diligent Efforts to Administer the Debtors' Estate**

5 9. Pursuant to her statutory duties to identify and recover assets for the benefit of the
6 Debtors' estate, the Trustee continues to diligently investigate the facts, and investigate, analyze,
7 and evaluate litigation claims.

8 10. The Trustee has retained general counsel, forensic accountants, and special
9 litigation counsel, among other persons and entities.⁷ The Trustee has gathered and reviewed
10 documents: (1) in the Debtors' possession; (2) produced informally by third parties; and (3)
11 produced formally in response to Rule 2004 document subpoenas.⁸ The Trustee has (1)
12 interviewed witnesses; and (2) conducted sworn oral Rule 2004 examinations pursuant to her
13 Omnibus Motion to Establish Protocols to Safely, Fairly and Efficiently Conduct F.R.B.P. 2004
14 Oral Examinations as a Result of Covid-19 and this Court's Order granting same.⁹

15 11. The Trustee has filed dozens of adversary proceedings. The Trustee has
16 consensually resolved certain claims both prior to commencing an adversary proceeding and after
17 commencing an adversary proceeding. To facilitate this process, the Trustee sought and obtained
18 an Order from this Bankruptcy Court directing mediation¹⁰ and has communicated in good faith
19 with all (or nearly all) estate litigation targets.

20 **IV. The Trustee Has Faced Challenges in Administering these Bankruptcy Cases**

21 12. The Trustee has faced challenges in administering these Bankruptcy Cases,
22 including those related to (1) the U.S.A.'s ongoing criminal investigation and prosecutions; (2) the
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26 ⁵ ECF Nos. 439-40.

27 ⁶ ECF No. 2613.

28 ⁷ See e.g., ECF Nos. 518 & 689, 611 & 665, 1490 & 1502.

⁸ See generally docket.

⁹ See generally docket; see also ECF Nos. 1781 & 1831.

¹⁰ ECF No. 2761 & 2836.

1 complex nature of the Debtors' pre-petition business; and (3) the complex nature of Jeff Carpoff's
2 criminal activities and movement of monies.

3 13. The global COVID-19 pandemic has created additional challenges. This Court can
4 take judicial notice of COVID-19 and its effect on matters. *See George v. Diaz*, 2020 WL 2542020,
5 *2 (N.D. Cal. May 19, 2020).

6 14. The COVID-19 pandemic is a well-established basis for the movement of litigation
7 deadlines. *See e.g., Herrera v. Aramark Servs., Inc.*, 2021 WL 304554, *2 (D. Nev. Jan. 29, 2021)
8 ("[M]oving the discovery deadlines back as requested herein is a reasonable request as COVID-
9 19 is continuing to slow down and/or impact almost every aspect of life and it has delayed
10 completion of discovery on the current schedule despite the recent relaxing of certain restrictions
11 and practices by both the Courts and state government.").

12 **V. The Status Conference**

13 15. The next Status Conference will present an opportunity for the Trustee, the
14 defendants in the Pending APs, and other parties in interest, to continue to communicate with the
15 Court, and to receive direction from the Court, regarding the orderly advancement of the Main
16 Case and the Pending APs.

17 16. The Trustee believes a continuance to March 31, 2022 will make the Status
18 Conference more productive, further the advancement of these Bankruptcy Cases, and not
19 prejudice any party in interest.

20 17. On January 5, 2022, at ECF No. 3089, the Trustee filed an application ("**Expert**
21 **Application**") to retain an expert who may opine and testify in support of a motion for partial
22 summary judgment related to the Carpoff Ponzi Scheme, an item at least some defendants appear
23 to challenge. While the Trustee has retained GlassRatner as a consulting expert and, among other
24 things, to provide forensic support, the Trustee in her business judgment believes it is appropriate
25 to retain a separate expert to consult, issue an opinion, and/or provide supporting testimony. The
26 determination that Jeff Carpoff perpetrated a Ponzi scheme would be significant due to the Ponzi
27 Presumptions of actual intent and insolvency.¹¹

28 ¹¹ *In re Nat'l Consumer Mortg., LLC*, 2013 WL 164247, *11 (D. Nev. Jan. 14, 2013).

1 18. At the November status conference, the Court indicated that at the February status
2 conference it would set a date by when the Trustee would file such a motion for partial summary
3 judgment and address discovery of individuals who pled guilty to participating in the scheme. So
4 far, only Jeff Carpoff and Joseph Bayliss have been sentenced. While the Trustee does not know
5 with certainty, it is her expectation that the other participants will likely invoke their 5th amendment
6 privileges, at least through their sentencing. Robert Karmann and Ronald Roach are scheduled to
7 be sentenced on February 15, 2022; Paulette Carpoff on March 22, 2022; and Ryan Guidry and
8 Alan Hansen on March 29, 2022.

9 19. Further, in recent weeks, many of the Trustee's professionals and/or their household
10 family members have contracted COVID-19, resulting in illness and quarantine. This has been
11 disruptive and caused previously unforeseen delays and difficulties.

12 20. Nevertheless, since the November status conference the Trustee has worked
13 diligently to advance these Bankruptcy Cases. For example, the Trustee reached a multi-party
14 settlement following a mediation spanning multiple weeks and other complexities, between and
15 among (1) the Trustee; (2) chapter 7 bankruptcy trustee Don Gieseke; (3) Matthew and Lauren
16 Carpoff (Jeff Carpoff's children); (4) Paula Jordan (Paulette Carpoff's mother); and (5) other
17 parties.¹² Following months of negotiations, the Trustee reached two settlements (with a
18 professional firm and NASCAR) that will yield significant recoveries for the estate and are set to
19 be heard on January 13, 2022.¹³ The Trustee has also advanced settlement discussions with other
20 parties. And the Trustee completed a Rule 2004 examination of a major avoidance target and
21 expects to file a significant avoidance action in January.

22 21. At a March 2022 status conference, the Trustee expects to have a better estimate of
23 the timing of the preparation of her supporting expert's report, and the Trustee's summary
24 judgment motion, which together will make the status conference more productive. The parties
25 will also have a better understanding of the sentencing status of the various criminal defendants.
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27

28 ¹² ECF No. 3040.

¹³ See ECF Nos. 3050, 3053, 3054 and 3056.

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CERTIFICATE OF SERVICE

I certify that on January 7, 2022, I caused to be served the above-named document as indicated below:

- ✓ a. On January 7, 2022, Via ECF upon the parties listed on the attached Exhibit 1.
- ✓ b. On January 7, 2022, Via Direct Email to the following:

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I declare under penalty of perjury that the foregoing is true and correct.

DATED: January 7, 2022.

/s/ Michael S. Budwick
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Mailing Information for Case 19-50102-gs**Electronic Mail Notice List**

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